

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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| ROUND ROCK RESEARCH, LLC | § | |
| | § | |
| | § | |
| v. | § | Case No. 4:11-CV-332 |
| | § | Judge Schneider/Judge Mazzant |
| | § | |
| ORACLE CORPORATION and | § | |
| DELL, INC. | § | |

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 25, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Dell, Inc.’s Motion to Dismiss (Dkt. #22) and Defendant Oracle Corporation’s Motion to Dismiss (Dkt. #25) should be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Dell, Inc.’s Motion to Dismiss (Dkt. #22) and Defendant Oracle Corporation’s Motion to Dismiss (Dkt. #25) are **GRANTED** in part and **DENIED** in part.

As to Plaintiff’s direct infringement claims against “servers implementing a remote monitoring system,” specifically the products ILOM and DRAC named in the Complaint,

Defendants' motions are denied. However, as to any other products potentially accused by Plaintiff, Defendants' motions are granted. Further, regarding Plaintiff's indirect infringement claims as to Oracle, the motion is granted. Regarding Plaintiff's indirect infringement claims against Dell, the motion is denied. Plaintiff's direct infringement claims against Dell for making, selling, offering to sell, or importing systems in violation of the four (4) method patents asserted by Plaintiff are dismissed with no opportunity to replead.

It is SO ORDERED.

SIGNED this 18th day of November, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE